

AGENDA

North Miami City Council

REGULAR MEETING

TUESDAY, MARCH 28, 2006
7:00 P.M.

- 1. CALL TO ORDER / ROLL CALL OF MEMBERS**
- 2. PLEDGE OF ALLEGIANCE / INVOCATION**
- 3. ORDER OF BUSINESS** (Additions/Deletions/Amendments/Deferrals)
- 4. SPECIAL PRESENTATIONS**
- 5. CONSENT AGENDA**

UNLESS A MEMBER OF THE CITY COUNCIL WISHES TO REMOVE A SPECIFIC ITEM FROM THIS PORTION OF THE AGENDA, TABS A THROUGH F CONSTITUTE THE CONSENT AGENDA. THESE RESOLUTIONS ARE SELF-EXPLANATORY AND ARE NOT EXPECTED TO REQUIRE ADDITIONAL REVIEW OR DISCUSSION. EACH ITEM WILL BE RECORDED AS INDIVIDUALLY NUMBERED RESOLUTIONS, ADOPTED UNANIMOUSLY BY THE FOLLOWING MOTION:

“...THAT THE CONSENT AGENDA COMPRISED OF TABS A THROUGH F BE ADOPTED...”

[TAB A]

APPROVAL OF MINUTES -- Regular City Council Meeting – March 14, 2006

[TAB B]

RATIFICATION FOR AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR SITE CLEARING AT RUCK’S PARK

Sponsored by: City Administration

Responsible Staff Person: Debbie Falestra, Purchasing Agent

[TAB C]

AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR ONE (1) 2006 STEER LOADER

FOR THE PARKS AND RECREATION DEPARTMENT

Sponsored by: City Administration

Responsible Staff Person: Debbie Falestra, Purchasing Agent

[TAB D]

AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR TWO (2) 2006 CHRYSLER 300 AND ONE (1) 2006 DODGE CHARGER FOR THE POLICE DEPARTMENT

Sponsored by: City Administration

Responsible Staff Person: Debbie Falestra, Purchasing Agent

[TAB E]

AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR FOURTEEN (14) 2006 FORD CROWN VICTORIA VEHICLES FOR THE POLICE DEPARTMENT

Sponsored by: City Administration

Responsible Staff Person: Debbie Falestra, Purchasing Agent

[TAB F]

PURCHASE ORDERS / PROPOSALS APPROVED – FEBRUARY/MARCH 2006
(INFORMATIONAL ONLY)

Sponsored by: City Administration

Responsible Staff Person: Debbie Falestra, Purchasing Agent

6. PUBLIC HEARINGS – ORDINANCES, RESOLUTIONS, ZONING, LAND USE ITEMS, ETC.

6A. QUASI-JUDICIAL ITEMS

[TAB G]

PROPOSED ORDINANCE (***FIRST READING***) REZONING FROM R-5 (MULTI-FAMILY RESIDENTIAL) TO R-6 (MULTI-FAMILY RESIDENTIAL), SUCH LANDS LOCATED WEST OF N.E. 3RD COURT, EAST OF N.E. 2ND COURT BETWEEN N.E. 136TH STREET AND N.E. 138TH STREET

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB H]

PETITION FOR VARIANCE TO ALLOW THE ENLARGEMENT OF A LEGALLY NON-CONFORMING RESIDENCE; PETITION TO ALLOW AN ADDITION TO SETBACK 20.0' FROM THE REAR PROPERTY LINE WHERE 25.0' IS REQUIRED IN THE R-2 DISTRICT, *STEVEN B. MOORE -- 460 N.E. 126TH STREET*

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB I]

PETITION FOR VARIANCE TO ALLOW A SHED 140 SQUARE FEET IN SIZE WHERE 100 SQUARE FEET IS PERMITTED; VARIANCE TO ALLOW A SHED

TO SETBACK 0.0' FEET FROM THE REAR PROPERTY LINE WHERE 5.0' IS REQUIRED; VARIANCE TO ALLOW A SHED TO SETBACK 6.0' FROM THE SIDE PROPERTY LINE WHERE 7.5' IS REQUIRED IN THE R-3 DISTRICT, GARY ALEXIS -- 1220 N.W. 129TH STREET

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB J]

PETITION FOR SPECIAL EXCEPTION TO ALLOW A FENCE IN THE FRONT YARD SETBACK AREA; VARIANCE TO ALLOW A FENCE TO BE 5.0' HIGH WHERE 4.0' IS PERMITTED IN THE R-1 DISTRICT, ALFONSO CHANG – 2270 N.E. 122ND STREET

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB K]

PETITION FOR VARIANCE TO ALLOW THE ENLARGEMENT OF A LEGALLY NON-CONFORMING USE ALLOWING FOR A 10.0' X 10.0' SECOND FLOOR BALCONY IN THE R-5 DISTRICT, N. BAYSHORE CONDOMINIUMS, INC. – 11630-11640 NORTH BAYSHORE DRIVE

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB L]

PETITION FOR SPECIAL EXCEPTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES (2COP BEER AND WINE) IN A RESTAURANT IN THE B-2 DISTRICT, MARCO VELASQUEZ – 15400 BISCAYNE BOULEVARD

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB M]

PETITION FOR EXTENSION OF PREVIOUSLY APPROVED SPECIAL EXCEPTION USE TO ALLOW THE CONTINUED USE OF CLASSROOM TRAILERS IN THE C-2BW DISTRICT, JOHNSON AND WALES UNIVERSITY – 1701 N.E. 127TH STREET

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB N]

PETITION FOR VARIANCE TO ALLOW A RESTAURANT IN A SHOPPING CENTER WITH 19 PARKING SPACES WHERE 37 PARKING SPACES ARE REQUIRED IN THE C-2 DISTRICT, PANERA BREAD – 12253 BISCAYNE BLVD.

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

(NOTE: Quasi-Judicial items will usually be Approve/Deny/Approve with Conditions.)

QUASI-JUDICIAL PUBLIC HEARINGS: PLEASE BE ADVISED THAT THE FOLLOWING ITEMS ON THE AGENDA ARE QUASI-JUDICIAL IN NATURE. IF YOU WISH TO COMMENT UPON ANY OF THESE ITEMS, PLEASE INDICATE THE TAB NUMBER YOU WOULD LIKE TO ADDRESS WHEN THE ANNOUNCEMENT REGARDING THE

QUASI-JUDICIAL ITEM IS MADE. AN OPPORTUNITY FOR PERSONS TO SPEAK ON EACH ITEM WILL BE MADE AVAILABLE AFTER THE APPLICANT AND STAFF HAS MADE THEIR PRESENTATIONS ON EACH ITEM.

SWEARING IN: ALL TESTIMONY, INCLUDING PUBLIC TESTIMONY AND EVIDENCE, WILL BE MADE UNDER OATH OR AFFIRMATION. ADDITIONALLY, EACH PERSON WHO GIVES TESTIMONY MAY BE SUBJECT TO CROSS-EXAMINATION. IF YOU DO NOT WISH TO BE EITHER CROSS-EXAMINED OR SWORN, YOUR TESTIMONY WILL BE GIVEN ITS DUE WEIGHT. THE GENERAL PUBLIC WILL NOT BE PERMITTED TO CROSS-EXAMINE WITNESSES, BUT THE PUBLIC MAY REQUEST THE COUNCIL TO ASK QUESTIONS OF STAFF OR WITNESSES ON THEIR BEHALF. THE FULL AGENDA PACKET ON EACH ITEM IS HEREBY ENTERED INTO THE RECORD. PERSONS REPRESENTING ORGANIZATIONS MUST PRESENT EVIDENCE OF THEIR AUTHORITY TO SPEAK FOR THE ORGANIZATION. FURTHER DETAILS OF THE QUASI-JUDICIAL PROCEDURES MAY BE OBTAINED FROM THE CLERK. (IN ACCORDANCE WITH CODE SECTIONS 2-291 AND 2-305, ANY LOBBYISTS MUST REGISTER BEFORE ADDRESSING THE COUNCIL ON ANY OF THE FOLLOWING ITEMS). AT THIS TIME COUNCIL MEMBERS MUST DISCLOSE ANY EX-PARTE COMMUNICATIONS CONCERNING ANY ITEMS ON THE AGENDA. AT THIS TIME THE CLERK WILL SWEAR IN ANY PERSON WHO WISHES TO TESTIFY ON ANY QUASI-JUDICIAL ITEM.

6B. LEGISLATIVE MATTERS

6B.1. ORDINANCES – SECOND READING -- None

6B.2. ORDINANCES – FIRST READING

[TAB O]

PROPOSED ORDINANCE (***FIRST READING***) AMENDING CHAPTER 2-ADMINISTRATION, ARTICLE X - LOBBYING SECTIONS 2-304 DEFINITIONS; SECTION 2-305 REGISTRATION; SECTION 2-306 REGISTRATION NOT REQUIRED FOR CERTAIN PERSONS; REPEALING SECTION 2-308 PUBLICATION OF LOGS BY CITY CLERK AND CREATING SECTION 2-308 LIST OF EXPENDITURES; FEE DISCLOSURE; REPORTING REQUIREMENTS; REPEALING SECTION 2-309 INVESTIGATION OF VIOLATIONS AND CREATING SECTION 2-309 CONTINGENCY FEES PROHIBITED; CREATING SECTION 2-309.1 INVESTIGATION OF VIOLATIONS; AND CREATING SECTION 2-309.2 PENALTIES

Sponsored by: Barry Kutun, City Attorney

[TAB P]

PROPOSED ORDINANCE (***FIRST READING***) AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE III, “BOARDS, COMMITTEES, COMMISSIONS,” DIVISION 5 “CODE ENFORCEMENT BOARD,” SECTION 2-99, “ENFORCEMENT PROCEDURES; HEARINGS; SELECTION OF QUASI-JUDICIAL BODY,” AMENDING AND CLARIFYING PROCEDURES FOR RECURRING VIOLATIONS

Sponsored by: Barry Kutun, City Attorney

[TAB Q]

PROPOSED ORDINANCE (***FIRST READING***) AMENDING THE CODE TO CHANGE ALL REFERENCES FROM “MASTER” AND “MASTERS” TO

“MAGISTRATE” AND “MAGISTRATES,”

Sponsored by: Barry Kutun, City Attorney

6B.3. RESOLUTIONS

[TAB R]

PROPOSED RESOLUTION TO ESTABLISH A SEPARATE ACCOUNT FOR FUNDS RECEIVED AS A RESULT OF SETTLEMENT WITH MEDIANET, INC. OF SOUTH FLORIDA REGARDING PLACEMENT OF BILLBOARDS; ALLOCATING A PERCENTAGE OF FUNDS IN SEPARATE ACCOUNT FOR EXCLUSIVE USE IN DISTRICT FOUR (4) OF THE CITY OF NORTH MIAMI (CONTINUED FROM MARCH 14, 2006)

Sponsored by: Councilwoman Marie Steril

7. REQUESTS, PETITION, COMMUNICATION

[TAB S]

REQUEST FROM ALAN SOKOL, VICE PRESIDENT, GREATER NORTH MIAMI HISTORICAL SOCIETY TO APPEAR BEFORE MAYOR AND CITY COUNCIL TO REQUEST SPONSORSHIP FOR THEIR HISTORY FEST TO BE HELD ON MAY 20, 2006 (CONTINUED FROM MARCH 14, 2006)

8. COUNCIL REPORTS

Mayor Kevin A. Burns
Vice-Mayor Jacques Despinosse
Councilman Michael R. Blynn
Councilman Scott Galvin
Councilman Marie Erlande Steril

9. CITIZENS' FORUM

10. CITY CLERK'S REPORT

[TAB T]

ALCOHOLIC BEVERAGE LICENSE REQUEST – *AMERICAN PETROLEUM OF NARANJA LLC, 14090 West Dixie Highway*

Sponsored by: Frank Wolland, City Clerk

11. CITY MANAGER'S REPORT

12. CITY ATTORNEY'S REPORT

13. ADJOURNMENT

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- THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE CITY CLERK, (305) 893-6511, Ext. 2142, NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED MAY CONTACT THE TDD LINE AT (305) 893-7936.
 - IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF NORTH MIAMI CITY COUNCIL, WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
 - AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE CITY CLERK, CITY OF NORTH MIAMI, 776 N.E. 125TH STREET, NORTH MIAMI, FL 33160. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE CITY CLERK AT (305) 893-6511.
 - IN ACCORDANCE WITH CODE SECTIONS 2-291 AND 2-305, ANY LOBBYISTS MUST REGISTER WITH THE CITY CLERK'S OFFICE BEFORE ADDRESSING THE COUNCIL ON ANY OF THE ABOVE ITEMS.
 - TWO OR MORE MEMBERS OF THE CITY COUNCIL AND OTHER CITY BOARDS MAY BE IN ATTENDANCE AT THIS MEETING.
 - THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY A TELEPHONE CONFERENCE CALL. THE LOCATION, 776 N.E. 125TH STREET, NORTH MIAMI, FL 33161-0850, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT.
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ALCOHOLIC BEVERAGE SYMBOLS

1-COP Beer only, Consumption on Premises
 2-COP Beer and Wine, Consumption on Premises
 4-COP Beer, Wine and Alcohol, Consumption on Premises
 1-APS Beer, Package Sales Only
 2-APS Beer and Wine, Package Sales Only
 3-APS Beer, Wine and Alcohol, Package Sales Only

ZONING SYMBOLS

R-1 Residential Estate District
 R-2 Single-Family District
 R-3 Single-Family District
 R-3A Single-Family/Townhouse District
 R-4 Multi-Family District
 R-5 Multi-Family District
 R-6 Multi-Family District
 RO Residential Office District

ZONING SYMBOLS (con't)

C-1 Commercial District
 C-2 Commercial District
 C-2A Commercial District
 C-3 Commercial District
 C-2BE Commercial District
 C-2BW Commercial District
 B-1 Business Revitalization District
 B-2 Liberal Business District
 M-1 Industrial District
 P.U. Public Use District
 P. Parking District
 PUD Large Scale Planned Development
 PU- Public Use-Planned Unit
 PUD Development District